

Regulation & Policy Committee Meeting
Richmond Marriott West, Richmond, VA
August 16, 2007
3:00 p.m.

Members Present:	Members Absent:	Staff:	Others:
Jason Campbell Jim Chandler Gary Critzer Jennie Collins, Chair Joseph Pozzo Ed Rhodes Mike Staples Karen Wagner Anthony Wilson Greg Woods	David Hoback	Gary Brown P. Scott Winston Michael Berg Christy Saldana Wanda Street Jodi Kuhn Tim Perkins David Edwards	Deborah T. Akers Randy Abernathy Rob Logan Linda Hale Bruce Edwards Kent Weber Byron Andrews

Topic/Subject	Discussion	Recommendations, Action/Follow-up; Responsible Person
Call to Order	The Chair called the meeting to order at 3:02 p.m.	
Approval of draft minutes dated February 8, 2007 and conference call minutes dated February 27, 2007	Minutes were approved as distributed.	
Welcome & Introductions	Ms. Collins welcomed Mr. Jason Campbell who recently joined the EMS Advisory Board and this committee. Mr. Campbell is a career firefighter/paramedic in Lynchburg. He also serves on the Amherst Town Council and is a member of VML. Mike introduced Mr. Matt Cobb. Mr. Cobb is the Attorney General liaison for EMS. He is an Assistant Attorney General and has been with the office for 4 years. Wanda Street will be recording the minutes. Christy Saldana is the PPCR Coordinator. Everyone introduced themselves around the room.	
Unfinished Business	Update of Submitted Regulations: FARC/Regional Council Designation – Has been approved. Redistribution of Regulations manual – The manual on the OEMS Regulations webpage has been updated and is current. Printed copy will soon be updated, re-published and distributed.	

Topic/Subject	Discussion	Recommendations, Action/Follow-up; Responsible Person
	<p>NOIRA - Has been approved.</p> <p>Ongoing Revision Process:</p> <p>OMD Section –Mr. L. Dayton Haugh is assisting with the language revisions.</p> <p>Training Section – Attorney General’s Office is assisting with the training section. Revisions will be submitted within the next few weeks.</p> <p>Record Retention – As you may recall from the last minutes, there was a change in the Virginia Code regarding the record retention. It is six years in lieu of five and this change will be reflected in the proposed regulations as well.</p>	
New Business	<p>DDNR Regulations: DDNR has been moved to the Trauma/Critical Care Division. Paul Sharpe has been reviewing all the historical documents. There are a lot of concerns about how the process is supposed to work. There is a meeting next week to review the current Durable Do Not Resuscitate regulations to see where they need to be amended and/or updated. There are about 50,000 form requests per year.</p> <p>PPDR Challenges: Jennie stated that she has been hearing numerous complaints in Northern Virginia and throughout the Commonwealth about the dissatisfaction with the submission of electronic data. Are there any rule changes? Christy has advised that nothing has changed. It is just being enforced because quality data is needed. Agencies submitting “Not Applicable” for hundreds of records are not acceptable. Christy follows up with the agencies to try to get better data. As for the Vendor software, they submit things that are not compliant. For instance, 88 means not applicable or not obtained. They put the letters NA instead of 88. That’s why they are being rejected. Per Jennie, some agencies feel that the office is saying they have poor patient care. Christy explained that if an agency had 1,000 patients and transported 500 of them and she has not received blood pressure, any procedures, any signs and symptoms, etc. That is considered poor data. Jennie asked Where are we with the grant submission in trying to get a new PPCR program. Gary responded by saying that funding has been requested, however, we do not know the amount that will be given. We have budgeted unencumbered grant funds to support this project in case we do not receive federal grant monies. Agencies are required to report 2005 data and forward before there is enforcement action. In the Code of Virginia regulations, they are required to submit data within 30 days of the ending quarter. There is a 15% non-compliance rate. That number has dropped since the last JLARC report. The vendor approval process is a test file. This sometimes is sent back again after Christy gives them feedback on what data needs to be filled in correctly. The recertification process for vendors is every two years. There are manuals are on the website to help educate the agencies. Call sheets are not to be changed. An addendum can be done, but call sheets are never to be changed because they are considered legal documents. If agencies are having ongoing issues, they should contact Paul Sharpe. Per Christy, there are 61 data elements and the very first one is the agency number. That definitely should be filled out.</p> <p>Compliance Process:</p> <p>Survey Results – There was a small issue with an agency in the Northern part of the state, so we wanted to be compliant in the way we handled the suspension process. We also wanted to</p>	<p>A motion was passed that OEMS move forward in doing all that it can in getting a new PPDR system.</p>

Topic/Subject	Discussion	Recommendations, Action/Follow-up; Responsible Person
	<p>know how EMS agencies in other states performed their suspension process. We did a national survey with the assistance of the National Association of State EMS Officers (NASEMSO). We presented to executive management a proposal to hire adjudication hearing officers. We were told that we could not hire and that persons in the EMS office would have to serve as adjudication officers. As of yesterday, we were notified by Dr. Stroube, that effective immediately, all regulatory matters will be handled by Martha Pulley. Doug Harris will be handling hearings and adjudication processes. We are trying to figure out the best process in handling these cases. The Code will probably have to be amended. Legislative change may take place on July 1, 2008.</p> <p>Legislative Considerations:</p> <p>Updating § 32.1-111.9 – Application for variances or exemptions - In the first paragraph it says "... a volunteer rescue squad..." later in the document it says the same thing. The language does not allow for variances for individuals or other EMS agencies. Mike wants to get approval or ask this body to make a recommendation to the Finance, Legislative & Planning Committee to change the Code of Virginia to replace the outdated language in both places with "an agency, entity or provider licensed or certified by the Office of Emergency Medical Services".</p> <p>Consideration for exception to Administrative Process Act (§ 2.2-4000 et. seq.) similar to exception for Department of Health Professions, § 54.1-2408.1 – Per Mike Berg the suggested language is to go under 32.1-111.4 which is titled Regulations; emergency medical services personnel and vehicles; response times; enforcement provisions; civil penalties. Mike Berg requested that paragraph 10 be added that would say something along these lines: "The Office of Emergency Medical Services in consultation with the Commissioner of Health may suspend the license or certification of any agency or any person issued by it, without a hearing simultaneously with the institution of proceedings for a hearing if the Director of the Office of Emergency Medical Services and the Commissioner of Health find that there is a substantial danger to the public health and safety which warrants this action. Hearing must be held within the 30 days of the suspension."</p> <p>Public Hearing Process:</p> <p>Number – There was open discussion on the number of public hearings that should be held in the coming year. There were 7 public hearings during the last regulatory period. They were all in the evening for two hours and each speaker had an allotted time to speak. Ed Rhodes suggested that there be 5. Everyone agreed.</p> <p>Locations – Dates and locations to be decided once the NOIRA process is complete.</p>	<p>Motion passed to request the language in § 32.1-111.9 be changed as stated.</p> <p>Motion passed to request that paragraph 10 be added to § 32.1-111.4 as stated.</p> <p>Mike will look into choosing the dates and locations.</p>
Next Meeting & Work Session	Tuesday, October 2, 2007 at 10:00 – Location to be determined.	
Adjournment	Meeting adjourned at 4:15 p.m.	